

**EXHIBIT 1**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

FG HEMISPHERE ASSOCIATES, L.L.C. §  
Plaintiff, §  
v. §  
REPUBLIQUE DU CONGO, §  
Defendant, §  
And §  
CMS OIL AND GAS COMPANY, CMS §  
OIL AND GAS (INTERNATIONAL) §  
COMPANY, CMS NOMEKO §  
INTERNATIONAL CONGO HOLDINGS, §  
INC., CMS NOMEKO CONGO, INC., CMS §  
OIL AND GAS (HOLDINGS), LTD., CMS §  
OIL AND GAS (INTERNATIONAL) LTD., §  
CMS NOMEKO CONGO LDC, CMS OIL §  
AND GAS (CONGO) LTD., CMS OIL AND §  
GAS (SERVICES) COMPANY, NUEVO §  
ENERGY COMPANY, THE NUEVO §  
CONGO COMPANY, THE CONGO §  
HOLDING COMPANY, NUEVO CONGO, §  
LTD., NUEVO INTERNATIONAL INC., §  
NUEVO INTERNATIONAL HOLDINGS, §  
LTD., PERENCO INC., PERENCO OIL §  
AND GAS (INTERNATIONAL) §  
COMPANY, PERENCO §  
INTERNATIONAL (CONGO) INC., §  
PERENCO OIL AND GAS (SERVICES) §  
COMPANY and LANKAN INC. §  
Garnishees. §

CIVIL ACTION No.: H-02-4261

**DECLARATION OF DILLON J. FERGUSON**

I, Dillon J. Ferguson, declare under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney in the law firm of Andrews Kurth LLP, of counsel to the plaintiff, FG Hemisphere Associates, L.L.C. ("FG Hemisphere"). I am over the age of twenty-one (21) and am in all ways competent to make and give this Declaration. Based on my knowledge as counsel in this action, I submit this Declaration in support of FG Hemisphere

Associates, L.L.C.'s *Motion To Compel Production Of Certain Documents And Answers Pursuant To Its (1) Request For Production Dated March 8, 2005, (2) Request For Production Dated July 21, 2005, And (3) Request For Production And Interrogatories Dated March 28, 2006* (the "Motion"). Every statement made in this Declaration is true and correct and within my personal knowledge.

2. Attached hereto as Exhibit A is a true and correct copy of this Court's *Memorandum and Order*, dated September 5, 2005 (Docket No. 279), granting *Plaintiff's Motion to Compel Production of Certain Documents* (Docket No. 228)

3. Attached hereto as Exhibit B is a true and correct copy of Plaintiff's *Second Request for Production of Documents* that was served on the Garnishees on March 8, 2005.

4. Attached hereto as Exhibit C is a true and correct copy of the *Objections and Responses of CMS Nomeco Congo Inc., The Nuevo Congo Company, and Nuevo Congo Ltd. to Plaintiff's Second Request for Production of Documents* that were served on FG Hemisphere on April 7, 2005.

5. Attached hereto as Exhibit D is a true and correct copy of *Plaintiff's Request for Production of Documents* that was served on the Garnishees on July 21, 2005.

6. Attached hereto as Exhibit E is a true and correct copy is a true and correct copy of a letter from Mr. Jean-Michel Runacher of Perenco SA to Mr. Tchissambot of the Congolese Ministry of Hydrocarbons, and copied to Messrs. Bruno J.R. Itoua and Blaise Elenga

of SNPC, dated November 25, 2002, which was produced in discovery under Bates-number PER 007446 (including an English translation).

7. Attached hereto as Exhibit F is a true and correct copy of the *Responses and Objections to Plaintiff's Requests for Production Served July 21, 2005* that were served on FG Hemisphere on August 1, 2005.

8. The parties exchanged numerous letters in which FG Hemisphere and the Garnishees attempted to resolve certain disputes regarding discovery. True and correct copies of these letters are attached hereto as Exhibit G (November 30 Letter), Exhibit H (December 19 Letter), Exhibit I (January 3 Letter), Exhibit J (January 6 Letter), Exhibit K (First January 10 Letter), Exhibit L (Second January 10 Letter), Exhibit M (February 3 Letter), Exhibit N (February 20 Letter), Exhibit O (February 23 Letter), and Exhibit P (March 10 Letter).

9. Attached hereto as Exhibit Q is a true and correct copy of the *Responses, Answers and Objections to Plaintiff's Requests for Expedited Discovery to Garnishees in Connection with April 2006 Lifting* that were served on FG Hemisphere on March 31, 2006.

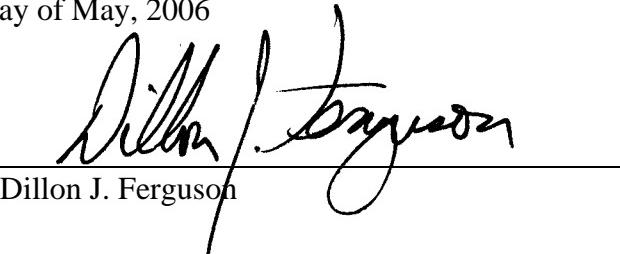
10. Attached hereto as Exhibit R is a true and correct copy of the *First Supplemental Responses, Answers and Objections to Plaintiff's Requests for Expedited Discovery to Garnishees in Connection with April 2006 Lifting* that were served on FG Hemisphere on April 7, 2006.

11. Attached hereto as Exhibit S is a true and correct copy of an e-mail dated January 9, 2006 from Guy Lipe, attorney for the Garnishees, to Dillon Ferguson, attorney for FG Hemisphere, regarding "FG v. Congo/Draft of Email Protocol."

12. Attached hereto as Exhibit T are true and correct copies of excerpts from the Deposition of Ian Hogg, the financing administration manager for CMS Nomeco Congo, Inc., taken in the cases styled *Af-Cap, Inc. v. The Republic of Congo*; Case Nos. A-01-CA-100-SS and A-01-CA-321-SS, pending in the United States District Court for the Western District of Texas, Austin Division.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted this 24<sup>th</sup> day of May, 2006



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Dillon J. Ferguson